

PLEASANT GROVE CITY

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PLANNING COMMISSION MINUTES April 14, 2016

PRESENT: Chair Levi Adams, Vice Chair Lisa Coombs, Commissioners Peter Steele, Amy Cardon, Drew Armstrong, Scott Richards, Jennifer Baptista, Matt Nydegger, and Ryan Schooley

STAFF: Community Development Director Ken Young, City Planner Daniel Cardenas, Planning Tech Barbara Johnson, and NAB Chairperson Libby Flegal

Chair Adams welcomed everyone to the meeting and then called the meeting to order at 7:00 p.m.

Commission Business:

- Pledge of Allegiance: Commissioner Baptista led the Pledge of Allegiance.
- Opening Remarks: Commissioner Schooley gave the opening remarks.
- Agenda Approval:
 - MOTION: Commissioner Coombs moved to APPROVE the written agenda as public record, with Item 2 being continued to April 28, 2016. Commissioner Armstrong seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

• Staff Reports:

- MOTION: Commissioner Coombs moved to APPROVE the Staff Reports as part of the public record. Commissioner Armstrong seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.
- Declaration of conflicts and abstentions from Commission Members: There were none.

ITEM 1 – Public Hearing to Consider Request by Zhipeng Kou for a One-Lot Subdivision called Zhipeng Estates on property located at approximately 600 South Apple Grove Lane in the R1-8 (Single Family Residential) Zone. **STRING TOWN NEIGHBORHOOD.**

Community Development Director, Ken Young, stated that the above item had been before the Planning Commission previously. He described some of the issues the applicant has experienced while attempting to develop the subject property. Those issues have been resolved by receiving a variance from the BOA. Staff recommended approval of the application.

Chair Adams opened the public hearing. There were no public comments. Chair Adams closed the public hearing.

 MOTION: Commissioner Steele moved that the Planning Commission APPROVE the request of Zhipeng Kou for a one-lot preliminary Subdivision Plat called Zhipeng Estates Plat A on property at approximately 600 South Apple Grove Lane, in the R1-8 (Single Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report and as modified by the condition below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

Commissioner Baptista seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 2 – Public Hearing to Consider the Request of Andrea Bishop for Re-Approval of a Two-Lot Subdivision Preliminary Plat called Canyon Brook Plat B located at approximately 2879 North Canyon Road in the R-R (Rural Residential) Zone. <u>MANILA NEIGHBORHOOD</u> *Continued to the April 28, 2016 Planning Commission Meeting.

ITEM 3 – Public Hearing to Consider the Request of Rachel Skeen for a Conditional Use Permit to Teach a Fitness Class called LB Fitness on property located at approximately 1373 West 2010 North in the R-R (Rural Residential) Zone. **NORTHFIELD NEIGHBORHOOD.**

Mr. Young presented the staff report and explained that the applicant is seeking a conditional use permit to teach a fitness class in her home. He displayed an aerial photograph of the subject property and identified the spacious driveway to accommodate off-street customer parking. The applicant anticipates up to eight students per hour and would be holding early morning classes beginning at 5:45 a.m., as well as occasional evening classes between 6:00 and 9:00 p.m. Mr. Young stated that classes will take place in the applicant's garage, which will remain closed except for on hot summer days. The applicant informed the neighbors of the business and there was no opposition. Staff recommended approval of the application.

The applicant, Rachel Skeen, gave her address as 1373 West 2010 North and stated that she has been running the business out of her home for one year. She explained that fire safety precautions are already in place and there is sufficient off-street parking for her business needs. Mrs. Skeen presented images of the parking areas and the garage interior. With regard to the neighborhood response, Mrs. Skeen stated that some of her neighbors attend her classes and she has never received a noise complaint. The average class size is four students.

Chair Adams asked what types of classes are being offered. Mrs. Skeen explained that it is not Crossfit or Zumba but rather classes that incorporate suspension training. Chair Adams explained

that there was a similar case in the City that caused a lot of tension with the neighbors. He wanted to be sure there would be not issues with noise or parking in this instance. He asked Mrs. Skeen what she would do if class attendance and demand skyrocket. She responded that she would hold more evening classes but would not increase the number of students in each class. Mrs. Skeen confirmed that she has already turned some business away to keep the class sizes down. Mr. Young stated that the Code allows for a maximum of eight students per hour. If this limit is violated the conditional use permit would come back to the Planning Commission for review.

Chair Adams opened the public hearing.

<u>Carrie Valadez</u> gave her address as 1629 North 390 West and stated that she has been training with Mrs. Skeen for five years and has enjoyed her classes. She believed the business provides a good opportunity for people in the community to come together and feel comfortable with each other.

There were no further public comments. Chair Adams closed the public hearing.

MOTION: Commissioner Richards moved that the Planning Commission APPROVE the request of Rachel Skeen for a Conditional Use Permit to allow the teaching of fitness classes with up to eight students per hour on property located at 1373 West 2010 North, in the R-R (Rural Residential) Zone; and adopting the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

2. The applicant shall obtain and maintain all current and future required business permits while the fitness class business is in operation.

3. The fitness classes shall not produce excessive noises which constitute a nuisance as defined by the Pleasant Grove City Code.

4. A minimum of four off-street parking stalls shall be fully accessible to patrons of the fitness classes during operation hours.

Commissioner Baptista seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 4 – Public Hearing to Consider the Request of Jared Lindstrom for a Conditional Use Permit to Allow an 1,197 Square-Foot Accessory Building, Exceeding the Maximum of 1,000 Square Feet Allowed on Property Located at 930 East 100 North in the R1-10 (Single Family Residential) Zone. **MONKEY TOWN NEIGHBORHOOD.**

 Mr. Young displayed an aerial photograph of the subject property, which is zoned R1-10. He explained that the property is larger than the minimum lot size in the zone and was just less than one-half acre. The Code limits the size of accessory buildings to 10% of the minimum lot size of the zone, which would be 1,000 square feet in this instance. The approval of a conditional use permit would allow for an increase in size up to 15% of the minimum lot size of the zone.

Mr. Young confirmed that the proposed structure would meet all required setbacks and be within the 15% size limit. Staff examined the proposed plans and recommended approval of the application.

In response to a question from Commissioner Richards, Mr. Young stated that the exterior design of the accessory structure would be similar to that of the main dwelling.

The applicant, Jared Lindstrom, gave his address as 930 East 100 North. He stated that Mr. Young presented the application well and he had nothing to add.

Chair Adams opened the public hearing. There were no public comments. Chair Adams closed the public hearing.

MOTION: Commissioner Baptista moved that the Planning Commission APPROVE the request of Jared Lindstrom for approval of a Conditional Use Permit for an Accessory Building on property located at 930 East 100 North in the R1-10 (Single Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

Commissioner Armstrong seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 5 – Public Hearing to Consider the Request of Amy Gobble for a Conditional Use Permit to Allow a Pet Grooming Business called Precious Pet Paradise located at approximately 95 West 700 South in the M-D (Manufacturing District) Zone. **SAM WHITE'S LANE NEIGHBORHOOD.**

Mr. Young began his presentation by explaining that the Precious Pet Paradise business is looking to relocate from American Fork to Pleasant Grove. The applicant has approached the owner of the subject property and they intend to share the property for similar type businesses. Mr. Young then displayed an aerial photograph of the subject property and identified the area where the business will be conducted. He stated that the parking standards have been met and there is a fenced area in the back of the property for kennels. Mr. Young explained that the current business on the property received a conditional use permit for a similar use in 2011, and this would simply be an expansion of the same type of business. Staff recommended approval of the application.

Commissioner Schooley asked if the City had received any complaints about the existing kennel use on the property. Mr. Young stated that they had not.

 The applicant, Amy Gobble, gave her address as 4235 West Oak Road in Cedar Hills. Mrs. Gobble explained that she wanted to relocate her business here because the owner of the subject property offered her the space for the business. She confirmed that the business does not currently board dogs overnight, but it is something they intend to incorporate as the business expands. Eventually they would also like to expand to include an enclosed dog park at the back of the property.

Mrs. Gobble spoke about the security measures and the safety of the animals. The business grooms between 25 and 30 dogs per day, and all of the groomers are certified.

Chair Adams opened the public hearing. There were no public comments. Chair Adams closed the public hearing.

MOTION: Commissioner Coombs moved that the Planning Commission APPROVE the request of Amy Gobble for a Conditional Use Permit to operate a pet grooming business on property located at 95 West 700 South in the M-D (Manufacturing Distribution) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

2. The applicant shall obtain and maintain all current and future required business permits while the grooming business is in operation.

3. The business shall not produce excessive noises or odors which constitutes a nuisance as defined by the Pleasant Grove City Code.

Commissioner Richards seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 6 – Review and Discussion on Section 10-15-14, Flag Lots.

Mr. Young introduced the Flag Lot ordinance to be reviewed and discussed by the Planning Commission in relation to an application submitted by Kevin Peterson. The topic was discussed at the last joint session with the City Council and Planning Commission, at which time Mayor Daniels asked that the ordinance be reviewed separate from the application.

Mr. Young read the language from the Flag Lot Ordinance, beginning with the purpose statement which states:

To facilitate the best use of interior areas of existing parcels which are no longer used for agriculture, the City may allow the use of flag lots. Flag lots may permit development of the interior of narrow, deep parcels not otherwise accessible using residential street standards. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lot in proposed new residential subdivisions merely to maximize the number of lots. Flag lots will be allowed only when it is impossible or impractical to develop interior areas using normal subdivision standards for public streets either at the time of the application or in the foreseeable future.

Chair Adams commented that there is confusion with the possible definitions of the words "impossible", "impractical", and "foreseeable".

 Commissioner Baptista recalled that Mayor Daniels wanted the Commission to address the ordinance in relation to the health, safety, and welfare of the community. She wanted to hear from the public safety departments about whether they felt this ordinance met their needs or not. Mr. Young commented that there are requirements in the Code to allow for sufficient turn around for emergency vehicles and things of that nature, so their needs have already been considered. Commissioner Richards believed that the public safety departments had already addressed this section of Code.

Mr. Young commented that the concern wasn't so much about emergency access, which is provided for in the flag lot stem requirements, but rather that the creation of flag lots would prevent the installation of regular residential roads. There was a concern with the elimination of property connectivity within neighborhoods.

Commissioner Schooley stated that there could be safety concerns if the entrance to a flag stem, which offered access to multiple lots, was blocked. Commissioner Baptista asked how a flag lot situation differs from a cul-de-sac. Mr. Young explained that a cul-de-sac would have a wider turnaround and a wider street. The City prefers to have standard through-streets wherever possible, with a cul-de-sac being a secondary option.

Commissioner Cardon asked about garbage pickup and snow removal for flag lots, feeling that this could be a health, safety, or welfare concern. Mr. Young explained that the City was not responsible for snow removal of a flag stem as this would be privately owned. It is likely that a flag stem with multiple lots would establish a Homeowner's Association, but this is not required by the City.

In response to a question from Commissioner Schooley, Mr. Young stated that the width of a standard street is 56 feet and the bulb of a cul-de-sac is required to be 96 feet in diameter. These measurements are more than double that of the flag lot requirements.

Commissioner Schooley felt there was a safety concern with the lack of visibility. Commissioner Richards commented that proper lane signage should be required for flag stems and suggested that it be considered for a requirement.

Mr. Young continued to read the language from the ordinance regarding historical background. He explained that the City blocks were historically laid out in narrow, deep lots suited to residential and agricultural uses. The rear portions of the lots are typically land-locked. Although the Code does not specifically mention the downtown and historic areas of the City, staff believes that was the intent of the City Council when the Code was adopted. In response to a question posed by Commissioner Richards, Mr. Young stated that the Code is at least 15 years old but he did not have a specific date.

 Mr. Young read the ordinance language regarding definitions, required approval, the vicinity plan, and non-conforming remnant parcels. The ordinance also outlines stem and common stem development standards including minimum widths, lengths, and a maximum number of lots that can be serviced by a flag lot stem. Commissioner Schooley asked if the width requirement changes in relation to the number of lots serviced by the stem. Mr. Young explained that the current Code

did not address this. However, the language proposed by Mr. Peterson included a requirement for additional width with multiple lots.

Prior to discussing the proposed language, Mr. Young asked for feedback from the Commission about the current language of the ordinance, particularly with regard to the health, safety, and welfare of the community.

Commissioner Richards believed that the City Council and public safety departments had sufficiently reviewed the Code when it was established and felt that the subject did not need to be addressed further.

Chair Adams expressed concern with the language in the final sentence of the purpose statement. Currently it states that flag lot will "only be allowed" when certain circumstances occur, which he believed to be very strong language. He also was concerned with other indefinable words included in the sentence. Chair Adams suggested that the sentence be stricken and replaced with language that states that "flag lots may be allowed when they do not negatively impact the health, safety, and welfare of the community." Commissioner Schooley agreed, believing that this type of language would meet the expectations of Mayor Daniels. Rather than having something that cannot be defined, Commissioner Schooley preferred that they create some standards that are more objective and that relate specifically to safety.

Commissioner Richards suggested that they identify certain areas of the City where there are more opportunities to create flag lots.

Chair Adams commented that under the current Code the City could only allow flag lots if it is not "impractical", which could have many definitions. He felt this was too vague and allowed for decisions based solely on opinion. Commissioner Schooley agreed and stated that a list of objective criteria could eliminate accusations of favoritism.

Commissioner Cardon asked if they wanted to allow for flag lots at all, as the City has made it clear that the flag lot should be used as a last resort. Commissioner Steele felt that the current language sufficiently restricts the use of flag lots to cases that have no other development option.

Commissioner Richards again recommended that they determine which areas of the City are more likely to have a need for flag lots. He commented that there are neighborhoods, such as Manila, that have been incorporated into Pleasant Grove since this ordinance was passed, so limiting it to the downtown and historic districts is not sufficient.

Commissioner Armstrong stated that the condition of the roads in the City is a serious issue with the community right now. He was worried that opening up the flag lot ordinance to more people would add to that concern. Commissioner Cardon added that it was important for the Commission to consider the potential issues so that they can mitigate them.

 Commissioner Baptista stated that the duty of the Planning Commission is to consider what is best for the City. She felt they were discussing things that have nothing to do with the City. Since flag lots and stems are private property, there is little the City can do to control things like snow removal

and maintenance. Commissioner Armstrong stated that people who own land should be able to develop how they desire, but the City has created the Code to limit what kind of development can occur in certain areas. He asked where they should draw the line between regulating flag lots and regulating subdivisions. The City has a Code in place that outlines setbacks and lot sizes for subdivisions. Commissioner Armstrong was concerned that flag lots were not being held to the same standard. Commissioner Baptista argued that flag lots are used in special circumstances where it is the only viable option for development.

Commissioner Steele interpreted the Code as saying that flag lots would not be allowed if there is any other possible development option. He was concerned that changing the language of the purpose as Chair Adams suggested would make the flag lot more like a conditional use than a last resort. Commissioner Baptista felt that the rest of the ordinance language addressed that issue.

Mr. Young suggested that the following language replace the last sentence in the purpose. It should state that "Flag lots may be allowed when it can be shown that there will be no negative impacts to the health, safety, and welfare of the community in regards to sufficient street connections and accessibility for emergency vehicles."

Commissioner Steele believed that the proposed language would unintentionally open up flag lots to more situations. Commissioner Baptista, however, felt that the language modification set the flag lot to a higher standard.

Commissioner Armstrong suggested they include language that would prohibit flag lot development if it would landlock another person's property.

Commissioner Steele worried that changing one sentence would not address all of the issues they are seeing with the ordinance, as the language could still be interpreted in different ways. He asked the Commission what they wanted to achieve by regulating flag lots. He wanted to make sure those concerns were all covered in the ordinance.

Chair Adams summarized the comments made thus far and stated that the Commission seemed to agree that the ordinance should involve the health, safety, and welfare of the community. There was, however, a question as to the extent of it. He commented that the language suggested by Mr. Young may be as much as the City could control.

After some discussion, Mr. Young presented additional language that would prevent landlocked situations from being created. The Commission agreed to the proposal. Commissioner Steele asked if they could include additional language regarding the general connectivity of the City. This could be added to the section addressing the vicinity plan.

Commissioner Richards addressed specific areas of the City where flag lots would be likely to occur. Mr. Young commented that the Code references areas with historical background but specific neighborhoods are not outlined. For instance, the City does not consider the Manila neighborhood as historical. Commissioner Richards argued that this neighborhood has been in existence as long as the downtown area of Pleasant Grove and was only recently incorporated into

the City. Commissioner Armstrong felt that the Code should not limit flag lots to specific locations because land uses change over time.

Mr. Young asked the commission what changes they would like to see in the historical background section of the Code. The Commission felt that the language did nothing to restrict flag lots, and found it confusing. Commissioner Richards suggested that the section be eliminated. Commissioner Cardon recommended it be replaced by a list of criteria. There was further discussion regarding the reason the language was included originally and its potential importance. After some deliberation, the Commission concluded that the language should be removed.

Commissioner Steele was in favor of creating a list of criteria that need to be considered when approving flag lots. Commissioner Schooley asked that the applicants be required to exhaust all other remedies before coming to the Planning Commission seeking a flag lot. Mr. Young stated that there was language to that effect included in the section addressing the one-half cul-de-sac, and that could be repeated in the new section.

Mr. Young summarized the changes suggested to that point. He was hesitant to include language about showing a "similar level" of connectivity in the vicinity plan, as this could have multiple interpretations. There was a discussion regarding the language, and the Commission agreed to change the wording to state a "reasonable level" of connectivity. The Commission also wanted to clarify that the Planning Commission would determine the meaning of "a reasonable level of connectivity".

With those suggestions, Mr. Young felt that the group should move on to discuss the amendment proposed by Mr. Peterson. Commissioner Richards asked that the changes discussed be written down so the Commission can review the ordinance again before an amendment is adopted.

ITEM 7 – Public Hearing to Consider a Request by Kevin Peterson for a City Code Text Amendment to Section 10-15-14, Flag Lots, to Provide Additional Limited Ability for the Approval of Flag Lot Developments in Pleasant Grove.

Mr. Young explained that Mr. Peterson has worked with staff to create an amendment to the Code that would allow a flag lot for his specific situation while limiting it for others. He then read the proposed language that was included in the staff report.

With the changes made during the previous item, the Commissioners felt that some of Mr. Peterson's proposed language was no longer necessary. They determined to eliminate the first item regarding historical background. With regard to the third item listed, Commissioner Richards asked for a definition of a previously platted lot and questioned the possibility of including a time limit. Mr. Young interpreted a previously plotted lot to be one that has been through a legal subdivision process.

 The applicant, Kevin Peterson, explained that the reason for the items was to limit flag lots to the extent possible while allowing for his parcel to be developed. The changes made by the Commission during the previous discussion addressed his development concerns and there may no longer be a need for his proposed language.

Commissioner Schooley suggested that some of the items be adjusted to become a list of criteria for the Planning Commission to consider while hearing flag lot requests. He clarified that this would not be something the Commission was bound to but rather a set of guidelines.

The Commission discussed the proposed language and determined to create a combination of items five and six, which would be moved to Section B of the Flag Lot Ordinance as part of the guidelines. Items one through four would be discarded.

Mr. Young addressed item seven, which would require widening the stem for multiple lots. He asked the Commission if they felt this was necessary. Commissioner Armstrong suggested that the language read "may require" rather than making it an absolute requirement. After some discussion, the Commission concluded that the item be removed completely.

Mr. Young reviewed the proposed changes and confirmed that the ordinance would be brought back before the Planning Commission in the form of a text amendment. Once they have reviewed all of the changes together, the Planning Commission could make a recommendation to the City Council.

Chair Adams opened the public hearing. There were no public comments. Chair Adams closed the public hearing.

MOTION: Commissioner Steele moved that the Planning Commission CONTINUE the request of Kevin Peterson to amend City Code Section 10-15-14, Flag Lots, to the April 28, 2016 Planning Commission Meeting to give staff sufficient time to draft the proposed Code changes discussed. Commissioner Richards seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 8 – Discussion on Potential Survey Questions for the General Plan Update.

Mr. Young presented the next agenda items and stated that he would briefly review the survey questions staff had composed. He asked that the Commission give their feedback either tonight or via email before next Tuesday. Prior to presenting the survey questions, Mr. Young explained that staff would be reviewing sections of the current General Plan with the City Council and Planning Commission during the months of May, June, and July so that they would all be prepared to discuss an update to the General Plan later in the year. Once staff has received feedback from the City Council, Planning Commission, and residents, they would be able to move forward in making the update.

Mr. Young read the survey questions and asked the Commission to ask any questions as they go through the survey.

 Commissioner Richards asked if they could include references or links on the survey so that residents can explore more information before answering the questions. Mr. Young commented that this could be included at the beginning of the survey. In addition, Commissioner Schooley asked if maps could be attached to the questions that reference certain locations, such as the bike trail system. Mr. Young explained that attaching the items would be easier if the survey were

conducted electronically. In the past the surveys were done on paper, which is very time consuming for staff. He stated that most residents have access to the internet and may find an electronic survey more convenient. After some discussion, the Commission determined to conduct the survey electronically, unless a paper copy were specifically requested. Mr. Young thanked the Commission for their time and asked them to provide feedback via email. The Commission reviewed the minutes to be approved. Commission Coombs noted that there was an error on page 4, line 26. She asked that the line be altered to show that Commissioner Coombs closed the public hearing rather than Chair Adams. MOTION: Commissioner Steele moved to APPROVE the minutes of the March 10, 2016 Planning Commission Meeting and Report of Action, with the corrections noted. Commissioner Richards seconded the motion. The Commissioners unanimously voted "Aye". The motion carried. MOTION: Commissioner Baptista moved to adjourn. Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The motion carried. The meeting adjourned at 9:43 p.m. Planning Commission Chair Barbara Johnson, Planning Tech

Date Approved